

REMARKS

Claims 1-34 are pending in this application. Claims 9, 14-16, 20 and 29 are amended herein to more distinctly claim and clarify the subject matter of the present invention. Claims 1-8, 13, 21-28, and 32-34 are canceled. New claims 35-42 are added to further distinctly claim the subject matter of the present invention. Applicant submits that no new matter has been added by this response.

PRIORITY

Applicant submits that the indicated priority documents are forth coming outside of this amendment.

Claim Objections

Claims 4 and 25 were objected to because of informalities. Herein, by this response claims 4 and 25 have been canceled. Accordingly, Applicant requests that the claim objections are withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by WCDMA (WCDMA for UMTS: Radio Access for Third Generation Mobile Communications) (hereinafter as WCDMA/UMTS/3GPP).

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576,

18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

On page 14 of the Office Action, the Examiner asserts that, with respect to claims 1-28, it is interpreted that the claim limitations parallel the specification of WCDMA/UMTS/3GPP, and that the claims seem to be a description of well-established radio interface protocols and their processing of information, rather than an expansion upon them. Applicant respectfully submits that the claim limitations as filed are novel and do expand on the broad and general subject matter disclosed in the cited art, and disclose features that the WCDMA/UMTS/3GPP fail to disclose.

Claims 1-8 are canceled.

Claim 9 has been amended to further clarify the present invention by incorporating the limitation of canceled claim 13, reciting in part, "wherein the second manner comprises checking whether an error handling scheme has been provided." Applicant submits that the WCDMA/UMTS/3GPP fails to describe or suggest the combination of limitations as disclosed in claim 9. Specifically, the Examiner asserts that the WCDMA/UMTS/3GPP, pages 123 lines 7-8, disclose the subject matter of claim 13, however, careful study of the reference reveals that only broad concepts are disclosed, i.e. "Erroneous protocol data units (PDUs) can be discarded or marked erroneous."

The WCDMA/UMTS/3GPP fails to disclose when and how the PDU's are discarded or marked. For example, amended claim 9 specifically discloses processing the data unit in accordance with one of a first manner and a second manner based on an operation mode, and wherein the second manner comprises checking whether an

error handling scheme has been provided. Applicant respectfully submits that the Examiner's noted interpretation of the WCDMA/UMTS/3GPP is not the same as a complete identification of the limitations disclosed in amended claim 9. Therefore, the WCDMA/UMTS/3GPP is not a proper rejection for anticipation under § 102.

Accordingly, Applicant believes claim 9 is allowable, and claims 10-12 and 15-19 are allowable, at least by view of their dependence from claim 9.

In regard to claim 20, on page 8 of the Office Action, the Examiner asserted that WCDMA/UMTS/3GPP anticipates the limitations of claim 20, at pages 123-124: at the second limitation of claim 20 the Examiner asserts that the reference "implies" the limitation is disclosed, but the reference fails to specifically articulate that the CRC check result indicates whether the data unit has an error. In contrast, the present invention teaches how the error is identified, and details how the data unit is processed if there is an error, i.e., the data unit is processed in a first manner or second manner. Claim 20 has been amended to capture the claim limitations of canceled claims 23, 24 and 25 to further define the process of the second manner: i.e. checking whether an error handling scheme has been provided; disclosing that the error handling scheme comprises an instruction associated with the delivery of erroneous SDUs; and further defining the instructions that may be delivered in regard to the erroneous SDU.

The Examiner asserts on page 9 of the Office Action, the reference is "interpreted" to disclose the mode of operation of the first manner and the second manner. Applicant submits that the limitations of claim 20 are not identified in the WCDMA/UMTS/3GPP reference because the cited lines are overly broad and silent as to the process of the second manner. The WCDMA/UMTS/3GPP fails to identify the

combination of limitations of amended claim 20, therefore amended claim 20 is not anticipated and is allowable.

Accordingly, because the WCDMA/UMTS/3GPP fails to teach and/or suggest any details as to specifically when and specifically how to implement the broad concepts of merely discarding or marking erroneous PDUs, it is requested that the rejections under 35 U.S.C. § 102(b) are withdrawn and the claims put in a condition of allowance.

Rejections under 35 U.S.C. § 103

Claims 29-34 were rejected under 35 U.S.C. § 103(a) as being unpatenable over CarTalk (Communication Architecture Deliverable D6) in view of Publication US 2003/0211846 by Nagpal et al. (hereinafter Nagpal). The Examiner asserts on page 12 of the Office Action, that CarTalk fails to teach the limitation examining the data unit for presence of header information associated with a MAC header, and discarding the data unit if the header information is present, and asserts that Nagpal discloses these limitations. To further distinguish the present invention, claim 29 has been amended to capture the limitation of canceled claims 32 and 33 and distinctly disclose the limitation of an error scheme as an instruction associated with delivery of an erroneous SDU, and the claim further discloses the various instructions that may be delivered therein.

CarTalk discloses that the PDU may be forwarded with an error notification, but CarTalk fails to disclose the various instructions which may be delivered with the erroneous SDU. On page 13 of the Office Action, in regard to claim 33 the Examiner references CarTalk page 124 lines 20-21. Applicant request clarification, as WCDMA/UMTS/3GPP lines 20-21 references the subject matter of the Examiner's

rejection. Nevertheless, Applicant submits that neither the WCDMA/UMTS/3GPP reference nor CarTalk disclose that the error handling scheme comprises an instruction associated with delivery of an erroneous SDU, and provides various instructions to be delivered with the erroneous SDU.

Applicant submits that Nagpal fails to cure the previously identified deficiencies of CarTalk and WCDMA/UMTS/3GPP, therefore claim 29 is allowable over CarTalk in view of Nagpal. Accordingly, claims 30 and 31 are allowable at least by their dependence from claim 29. Applicant request that the rejections under 35 U.S.C. § 103(a) are withdrawn.

New claims 35-42 have been added herein to further clarify the present invention. Applicant submits the new claims recite limitations similar to the claim limitations of claims 9, 20 and 29, and therefore claims 35-42 are allowable over the WCDMA/UMTS/3GPP, CarTalk, and Nagpal references both individually and in combination. Applicant request that claims 35-42 are put in a condition of allowance.

Conclusion

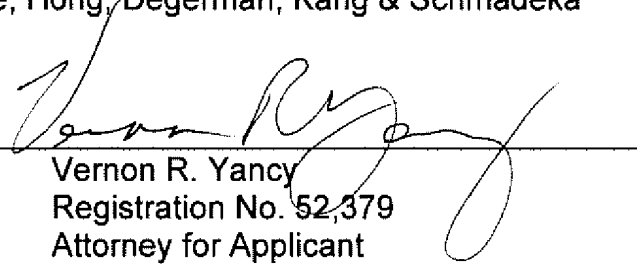
In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for reconsideration on the merits, thus reexamination of the application is requested. The Examiner is invited to call the undersigned attorney at (213) 623-2221 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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Date: May 14, 2007

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